



ANTHONY J. STASKUNAS

STATE REPRESENTATIVE • 15TH ASSEMBLY DISTRICT

I would like to start out by thanking Chairman Davis for scheduling Assembly Bill 402 for a hearing today before the Assembly Committee on Education.

I am here before you today to talk about AB402, also known as the "Open Enrollment Full Disclosure Act". Under current law (**State Statute 118.51(4)(a),(5)(a)**), a non-resident school district can reject a student that has applied to the open enrollment program if they do not have space for additional students, if the student has been expelled from school in the current or either of the two previous school years, or if the student requires a specialized program that is not offered by the school.

Currently, a non-resident school district cannot look at a prospective student's discipline record, which could include past suspensions, detentions, or other disciplinary actions taken. Due to the fact that these school districts have very limited behavioral information on prospective students, it is possible that school districts are unknowingly admitting very disruptive and potentially dangerous students into their schools.

This bill is intended to give non-resident school districts a clearer picture of a prospective open enrollment student's disciplinary history. AB402 would require full disclosure of a non-resident pupil's behavioral history to all school districts where the individuals apply for enrollment. This behavioral history would include expulsions that occurred more than two years prior, past suspensions, a truancy history, and whether the pupil has been found in violation of a criminal law.

In addition, under current law, non-resident school districts may only require a non-resident pupil to reapply to attend school in that district one time. This bill would allow these school districts to have non-resident pupils reapply at the beginning of middle school, junior high school, and high school. If an open enrollment student shows continued disregard for a school district's rules and regulations, AB402 gives the non-resident school district the ability to reject a problem student from the district.

The open enrollment program has been very beneficial not only to students, but also to school districts throughout the state, especially those with declining enrollment. School districts should know the students they are accepting into the open enrollment programs. Assembly Bill 402 will allow our schools to focus on what it is they do best; educating kids.

Once again, thank you Chairman Davis and members of the Committee for listening to my testimony. I will gladly answer any questions that you may have.

TESTIMONY OPPOSING AB 402

by

Jeffrey Spitzer-Resnick
Managing Attorney

As many of you know, Disability Rights Wisconsin (DRW) is Wisconsin's protection and advocacy agency for people with disabilities. In my position at DRW, I focus much of my attention on special education. It is with that experience that I am submitting this testimony in opposition to AB 402.

Ever since Wisconsin established its open enrollment law, DRW has been concerned that students with disabilities do not have the same access to utilizing open enrollment as other students. Indeed, we have been forced to litigate this issue on a number of occasions, and we have succeeded in every case. Most recently, our litigation caused the Department of Public Instruction (DPI) to require school districts to document whether a special education student would actually cause an undue financial burden, instead of simply claiming that to be the case, as many school districts had done for years when they rejected the open enrollment applications of many students with disabilities.

While AB 402 may appear to some, as a common sense way to keep schools safe, it is quite the opposite, and once again, would unduly burden children in special education. DPI's data on school suspension rates makes this abundantly clear. The 2005-06 school year is the most recent year for which DPI has suspension data on its web site. In that year, while 5.8% of students without disabilities were suspended, nearly 3 times that percentage—16% of students with disabilities, were suspended. In terms of actual students—43,480 students without disabilities were suspended in the 2005-06 school year, and 19,609 students with disabilities were suspended. Thus, in that year alone, over 63,000 students would be negatively impacted by AB 402, and that is only for one year of suspensions!

Regarding the school safety issue, it is well known in education circles that school districts and even school buildings have very different approaches regarding suspensions. Some principals view a suspension as a failure on the school's part and therefore prohibit suspensions in their buildings. Other school administrators aggressively suspend as many as 1/4 of children with disabilities in a year. The sad reality is that many students are suspended because a school administrator has given up on trying to educate the child and simply does not want him or her around anymore. Many of those students' parents have utilized open enrollment successfully for a fresh start at a new school. This bill would put a halt to that success and instead continue the downward spiral of misbehavior and punishment that leads to many negative outcomes—truancy, drop outs, failure to graduate, and often—prison.

In sum, DRW urges this committee to vote no on AB 402, in order to allow the largest number of students to utilize Wisconsin's successful open enrollment program. As always, I would be glad to answer any questions that committee members may have.



State of Wisconsin Department of Public Instruction

Elizabeth Burmaster, State Superintendent

Assembly Committee on Education
February 12, 2008

Department of Public Instruction Testimony on 2007 Assembly Bill 402

Thank you to Chairperson Davis and members of the committee for the opportunity to testify before you today. My name is Jennifer Kammerud. I am the Legislative Liaison for the Department of Public Instruction and am here today to testify for information on Assembly Bill 402 (AB 402).

Open enrollment represents an opportunity for students but also poses challenges for school districts. AB 402 would present sweeping changes in who may participate in the program. The department feels that many of these changes are overly broad. Discussion about limiting access to open enrollment should be limited to very serious factors such as whether a student has ever been expelled, adjudicated delinquent, or violated a criminal law.

The department does not want to subject students to potential denial of open enrollment for less serious infractions. The way in which AB 402 deals with issues like truancy and detention could severely limit students' access to open enrollment. While state statutes define truancy as missing part or all of one day, local policies vary widely on defining excused or unexcused absences. Policies surrounding detention and the use of detention also vary widely by district.

The department is concerned about the disproportionate rate at which students of color and special education students are suspended and the implications this would hold for these students as they attempt to open enroll.

Additional criteria under which a school district may deny open enrollment should be limited. Many students who have disciplinary problems simply need a new start and a new environment. This bill could deny those students that opportunity and their parents the hope open enrollment may represent.

Thank you. I would be happy to answer any questions you may have.